NORTH DAKOTA PUBLIC SERVICE COMMISSION

)

)

)

)

)

))

)

)

In the Matter of the Application of Dakota Access LLC for a Certificate of Site Compatibility and Route Permit for the Dakota Access Pipeline Project in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton and Emmons Counties, North Dakota

Case No. PU-I 4-842



I hereby certify that true and correct copies of the PETITION TO INTERVENE OF

DALE FEREBEE and AFFIDAVIT OF DALE FEREBEE were on May 11, 2015, filed with

the North Dakota Public Service Commission and mailed to the following:

Lawrence Bender Fredrickson & Byron, PA 1133 College Drive, Suite 1000 Bismarck, ND 58501

Dated this 11th day of May, 2015.

BAUMSTARK BRAATEN LAW PARTNERS Attorneys for Dale Ferebee 109 North 4th Street, Suite 100 Bismarck, ND 58501 Phone: 701-221-2911 Fax: 701-221-5842

/s/ Derrick Braaten By: Derrick Braaten

> 21 PU-14-842 Filed: 5/11/2015 Pages: 5 Petition to Intervene & Affidavit

> > Dale Ferebee

NORTH DAKOTA PUBLIC SERVICE COMMISSION

)

In the Matter of the Application of Dakota Access LLC for a Certificate of Site Compatibility and Route Permit for the Dakota Access Pipeline Project in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton and Emmons Counties, North Dakota

Case No. PU-I 4-842

PETITION TO INTERVENE OF DALE FEREBEE

Pursuant to N.D.A.C. § 69-02-02-05, Dale Ferebee, by and through his attorneys Derrick Braaten and Matt Kelly (collectively, "Petitioners"), hereby petition to intervene in the abovecaptioned proceedings. In support of this petition, Petitioners state and allege as follows:

- Mr. Ferebee's address is Box 783, Beach, ND 58621. He received documents from Dakota Access, LLC and offers for an easement over his land for the Dakota Access Pipeline Project, and has also received repeated requests for survey permission on his property.
- 2. Mr. Ferebee's property will be crossed by the Dakota Access Pipeline Project, and he is concerned about impacts to his land. Mr. Ferebee has not yet been able to reach an agreement with Dakota Access regarding an easement on his property, and feels it is necessary to protect his interests by ensuring that he is represented in these proceedings.
- 3. Petitioners have a direct and substantial interest in these proceedings, as well as legal

property rights which may be substantially affected by the ND Public Service Commission's findings and conclusions in this matter. Petitioners are intimately familiar with the land they own and rent, and can provide the PSC with specific information related to its routing determination in this proceeding, with respect to their individual lands.

- 4. Petitioners are not adequately represented by existing parties, and Petitioners' intervention would not unduly broaden the issues or delay the proceedings, particularly given the early nature of the proceedings.
- 5. Petitioners are not necessarily in support of or opposed to the relief sought by the applicant in this proceeding, but intend to oppose such relief if it allows Dakota Access to cross the lands they own and rent in a manner that will cause unnecessary or unreasonable damage to the land and to their farming operations.

Dated this 11th day of May, 2015.

BAUMSTARK BRAATEN LAW PARTNERS

/s/ Derrick Braaten Derrick Braaten (ND 06394) 109 North 4th St., Suite 100 Bismarck, ND 58501-4003 Tel. 701-221-2911 Fax 701-221-5842 derrick@baumstarkbraaten.com

TARLOW AND STONECIPHER, PLLC

/s/ Matt Kelly Matt J. Kelly (TL-08000) 1705 West College Street Bozeman, MT 59715-4913 Telephone: 406-586-9714 Fax: 406-586-9720 mkelly@lawmt.com

NORTH DAKOTA PUBLIC SERVICE COMMISSION

)

)

)

In the Matter of the Application of Dakota Access LLC for a Certificate of Site Compatibility and Route Permit for the Dakota Access Pipeline Project in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton and Emmons Counties, North Dakota

Case No. PU-I 4-842

AFFIDAVIT OF DALE FEREBEE

STATE OF NORTH DAKOTA))ss. COUNTY OF GOLDEN VALLEY)

Dale Ferebee, individually, being duly sworn, states under oath as follows:

- 1. I live at Box 783, Beach, ND 58621.
- I have received documents from Dakota Access, LLC and offers for an easement over my and for the Dakota Access Pipeline Project, and have also received repeated requests for survey permission on my property.
- 3. My property will be crossed by the Dakota Access Pipeline Project, and I am concerned about impacts to my land. I have not yet been able to reach an agreement with Dakota Access regarding an easement on my property, and feel it is necessary to protect my interests by ensuring that they are represented in these proceedings.

Dated this <u>1</u>³day of April, 2015.

ale Fubre

Dale Ferebee

STATE OF NORTH DAKOTA))ss. COUNTY OF GODLEN VALLEY BILLINGS)

On this 13th day of April, 2015, before me personally appeared Dale Ferebee, individually, and known to me to be the same person who is described in and who executed the within document, and acknowledged to me that he executed the same.

STACEY SWANSON NOTARY PUBLIC. STATE OF NORTH DAKOTA MY COMMISSION EXPIRES AUG 9. 2017

Harry Public